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DISPOSITION WORKSHEET

CASE NUMBER: **IAB 2050685**
SUBJECT: **MARCUS ORTIZ, DEPUTY, #[redacted]**
INVESTIGATOR: **SCOTT HILL, SERGEANT, #[redacted]**
ADVOCATE: **RICK BROUWER**
OIR: **RAY JURADO**

CASE SUMMARY:

On August 24, 2001, Mr. [redacted] an applicant for the position of Deputy Sheriff Trainee, arrived at Industry Sheriff's Station for a ride-along. As part of the application procedure, applicants are required to participate in at least one ride-along at a local Station. Witness [redacted] was assigned by his investigator to ride at Industry station because he lived in the general area.

Mr. [redacted] was assigned to ride with Subject Deputy Marcus Ortiz in unit 141A1 on P.M. Shift. Subject Ortiz was immediately suspicious of Witness [redacted] and accused Witness [redacted] of being a spy for Internal Affairs Bureau. Ultimately Witness [redacted] gained Subject Ortiz' trust and the two began to speak freely.

IAB Note: The witness was not an operative for the Internal Affairs Bureau and was there strictly as an applicant pursing a ride-along.

During the course of the evening, Subject Ortiz frequented the Sugar Honey nightclub and it's parking lot. Deputy Ortiz, in uniform and driving a black and white radio car, contacted a female in the parking lot and introduced Witness [redacted] to Witness [redacted] (a.k.a. [redacted]). Witness [redacted] is an employee at the Sugar Honey nightclub. Later in the evening Subject Ortiz received a cellular telephone call, he returned to the parking lot and met Witness [redacted] The Subject allegedly debated with Witness [redacted] about the availability of a second female and was told she was not available. The Subject allegedly asked Witness [redacted] "if she would do two." When she agreed Subject Ortiz arranged to meet Witness [redacted] in an isolated industrial area. Subject Ortiz asked the witness if he "was down for sex," Witness [redacted] surprised at first said yes to oral sex. While on-duty, Subject Ortiz allegedly engaged in sexual intercourse with Witness [redacted] as she orally copulated Witness [redacted]

IAB Note: The witness came forward with information about the Subject after he failed the applicant polygraph examination (Exhibit A). At the request of IAB investigators, Witness [redacted] was given another polygraph test (Exhibit D) regarding the events of August 24, 2001, he tested truthful in the following areas:

- Did you and Marcus (Subject Ortiz) have sex with that girl on the night of your ride-along?
- Did you and Marcus have sex with that girl during your ride-along?

IAB Note: This case was assigned to the Internal Criminal Investigation Bureau (ICIB) on February 19, 2002, after information surfaced that Subject Ortiz was involved in a criminal conspiracy, i.e., that a quid quo pro relationship existed between select local business owners of strip clubs and Asian nightclubs. Protection was allegedly offered in exchange for special favors. Much of the evidence was obtained during the criminal phase of the investigation. ICIB investigators used a myriad of investigative resources during this investigation, including but not limited to:

- Teletrac installation on various patrol vehicles assigned to Industry Station, including the vehicle most often used by Subject Ortiz.
- A Search Warrant was obtained for Subject Ortiz' cellular telephone records.
- Pretext phone calls between Subject Ortiz and Witness [redacted]
- Use of an undercover LAPD officer posing as a ride-along with Subject Ortiz.
- Audio tape of the LAPD ride-along.

On August 23, 2002, the case was presented to the Los Angeles County District Attorney's Office - Justice System Integrity Division for review and the case was rejected on September 25, 2002 with the reviewing Deputy citing the reason for rejection as: "A Defendant cannot be convicted based upon the uncorroborated testimony of an accomplice."

The case was returned to IAB on September 26, 2002 and the administrative investigation was reopened. ICIB investigators provided evidence obtained during the course of their investigation to IAB investigators (Exhibit E).

On June 13, 2002 and June 20, 2002, two-pretext phone calls were made and recorded between Witness [redacted] and Subject Ortiz (Exhibit I). After Subject Ortiz was informed by Witness [redacted] that an investigator from IAB had scheduled an interview with him to discuss information learned during his polygraph examination, Subject Ortiz "coached" Witness [redacted] and reminded him that nothing happened and that he could lose his job if the Witness told his story.

In the furtherance of the ICIB investigation, on May 17, 2002, an undercover Los Angeles Police Officer was assigned as a ride-along with Subject Marcus Ortiz in Unit 141A2 on P.M. Shift.

IAB Note: The identity of the officer is confidential and will not be revealed during the course of this investigation. The officer will be referred to throughout this investigation by his LAPD identifier, [redacted] The undercover officer can be contacted via his supervisor, Sergeant [redacted] at [redacted]

During the second ride-along Subject Ortiz made 31 cellular telephone calls totaling 56 minutes during the course of the shift (Exhibit F). As with Witness [redacted] Subject Ortiz frequented the nightclubs, driving through the parking lots and speaking to women. On one occasion, [redacted] remained in the radio car while Subject Ortiz visited the manager's office at the VIP nightclub.

At approximately 2130 hours, Subject Ortiz drove to the Paradise Showgirl's nightclub. He called a female on his cellular phone and told her that he would meet her in the parking lot behind the nightclub. Subject Ortiz, in uniform and in a black and white radio car, chatted with the female then asked her to make a flagellating sound with her vagina in the presence of [redacted]. She complied with his request. At 2200 hours Subject Ortiz told [redacted] he had to conduct a surveillance of a house and returned [redacted] back to Industry Station and dropped him off. An examination of Subject Ortiz' "Deputy Daily Work Sheet" and the corresponding Teletrac report revealed that subject Ortiz allegedly falsified his Daily Work Sheet during the last two hours of his shift.

Based on this finding, several of Subject Ortiz' Daily Work Sheets were audited and compared to the corresponding Teletrac reports. On numerous occasions, it is alleged that Subject Ortiz falsified his Deputies Daily Work Sheet by clearing calls for service as handled, when in fact he had not responded to the call for service (Exhibit H).

Ms. [redacted] was interviewed during the course of this investigation. She denied having a sexual relationship with the Subject or the [redacted] witness. She did, however, admit that she knew the Subject. She admitted providing him with "lap dances" when he was off duty. She claimed that the Subject visited her inside the clubs while he was on duty.

DISPOSITION OF CHARGES

The following potential charges have been prepared by the Advocacy Services Unit. Please indicate your disposition of each potential charge, and put any additional founded charges (with references to the investigation) on an attached sheet.

POTENTIAL CHARGE #1:

That in violation of the Department Manual of Policy and Procedures, section 3-01/030.05, **(General Behavior)** and/or section 3-01/050.05 **(Performance to Standards)** and/or section 3-01/030.07, **(Immoral Conduct)** on or about August 24, 2001, Subject Ortiz, in uniform and accompanied by an applicant ride-along engaged in an act of sexual intercourse with Ms. [redacted] and facilitated an act of oral copulation between Mr. [redacted] and Ms. [redacted]. This was done while the Subject was on duty.

Evidence Reference:

Refer to attached Interviews and Exhibits.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

June 6, 2003

Deputy Marcus Ortiz, #[redacted]

Deputy Ortiz:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on June 27, 2003.

An investigation under File Number IAB #2050685, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.07, Immoral Conduct, on or about August 24, 2001, while on duty and in uniform, and accompanied by a ride-along applicant, you engaged in an act of sexual intercourse with Ms. [redacted] and facilitated an act of oral copulation between Mr. [redacted] (the [redacted] and Ms. [redacted] By your actions, you have brought discredit upon yourself and the Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about May 17, 2002, you contacted a female employee of the Paradise Showgirls nightclub and met her in a parking lot behind the facility. You asked the female to make a

flatulent sound with her vagina in the presence of your [redacted] You subsequently denied this allegation during your interview with IAB investigators and when allowed to review an audio tape made by the [redacted] during the criminal phase of this investigation, you then recalled the incident.

3. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements and/or 3-01/050.10, Performance to Standards, on or about:

- May 17, 2002, and/or
- June 17, 2002, and/or
- June 19, 2002, and/or
- June 25, 2002, and/or
- June 30, 2002, and/or
- July 16, 2002, and/or
- July 19, 2002, you did the following:

Falsified your Deputy Daily Worksheets (DDWS), indicating you had handled calls for service and had initiated self-generated observation activity, when in fact you had not.

4. That in violation of Manual of Policy and Procedures Section 3-01/040.76, Obstructing an Investigation, on or about June 13, 2002 and June 20, 2002, after two pretext phone calls were made and recorded by criminal investigators between you and Witness [redacted] and after you had been informed by Witness [redacted] that an investigator from IAB had scheduled an interview with him, you "coached" Witness [redacted] about the pending IAB interview to allegedly reduce or eliminate your culpability in the August 24th incident with Ms. [redacted]

5. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, on or about May 17, 2002, you entered the VIP nightclub without authorization, in violation of Industry Station Order #12.

6. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior and/or 3-01/050.15, Duties of Deputy Personnel, on or about August 24, 2001 and May 17, 2002, you failed to carry out your duties as a professional law enforcement officer for the Los

> Angeles County Sheriff's Department and acted in a manner which brought great discredit to both you and the Department. Your behavior in the presence of two [redacted] was in conflict with the Department's Mission Statement, Core Values, and the sworn oath you took to the people of the County of Los Angeles.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Marvin Cavanaugh on June 23, 2003, at 1000 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to June 23, 2003, for your oral response, please call Chief Cavanaugh's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Cavanaugh's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Cavanaugh's office by no later than June 23, 2003.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Rickey D. Jennings, A/Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

EBS:lh

c: Advocacy Unit
Employee Relations Unit
Chief Marvin Cavanaugh, FORIII
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # 2050685)

LOS ANGELES COUNTY DISTRICT ATTORNEY **CHARGE EVALUATION WORKSHEET**	☐ Further investigation requested. ☐ Probation Violation in lieu of filed. ☒ Prosecution declined.	DA CASE NO. 22250222	Page 1 of 2 Date: September 25, 2002
		POLICE CASE NO. (DR OR URN NO.) 102-00037-2003-044	DA OFFICE CODE J.S.I.D. 02-0766R

SUSPECT DATA

NO.	SUSPECT NAME	BKNG NO.	CHARGE	REASON
01	ORTIZ, MARCUS	N.I.C.	PC647(a)	H - Other

DESCRIPTION
SEE ATTACHED.

STEVE COOLEY District Attorney	COMPLAINT DEPUTY (PRINT) DANIEL W. BAKER/ap	DEPUTY CODE 168496	COMPLAINT DEPUTY (SIGNATURE) Daniel W Baker	REVIEWING DEPUTY

13c

In submitting this matter for consideration of a complaint, written reports of substantially all available evidence (except as to the oral information, if any, purporting to have been given by me and which is fully and correctly stated above) have been submitted to the above-named Deputy (copies of which are attached hereto) except the following:

The disposition of this matter will be final unless the commanding officer requests reconsideration of the case, stating his reasons on the back of this form.

MAILED 09/26/02

OFFICER - SERGEANT ENRIQUE GARZA
LASD - I.C.I.B.

In the Matter of the Appeal of)
Marcus Ortiz, #[redacted])
and)
Los Angeles County Sheriff's Department)

Civil Service Case No. 03-283

STIPULATED SETTLEMENT AGREEMENT

PRELIMINARY STATEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Deputy Marcus Ortiz, Employee No. [redacted] (hereinafter referred to as "Mr. Ortiz").

RECITALS

The Department and Mr. Ortiz are parties to the above referenced matter and desire to avoid further litigation, and to settle all disputes and issues in said matter upon the terms and conditions hereinafter set forth. NOW THEREFORE, the Department and Mr. Ortiz for and in consideration of the mutual covenants herein, agree as follows:

1. Upon execution of this agreement, the Department will rescind its discharge action against Mr. Ortiz provided for in the Department's Letter of Imposition dated July 1, 2003. Mr. Ortiz will submit his resignation from the Department effective at the close of business November 30, 2003, for personal reasons.

2. The Department shall seal in an envelope in a file maintained in the Department's Advocacy Unit, the Department's Letter of Imposition dated July 1, 2003, a copy of this settlement agreement and all other references to the discharge action in Mr. Ortiz' personnel file. The envelope shall state, "To be opened only by order of the Court, Order of the Sheriff, or with the permission of Marcus Ortiz."

3. Upon execution of this agreement, the Department will provide back pay from July 1, 2003 through November 30, 2003, pursuant to the County Code. In addition, Mr. Ortiz will provide the Department with a Declaration of Earnings for any outside employment covering this period of time.

4. In consideration of the foregoing, Mr. Ortiz withdraws his appeal to the Civil Service Commission (CSC Case No. 03-283) and waives any and all future administrative and/or judicial remedies involving or pertaining to either the discharge and/or resignation, including, but not limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commissions.

5. The parties further agree that this Settlement shall not be considered, cited or used in future disputes as establishing past precedent or past employment practice. This agreement resolves the dispute between Mr. Ortiz and the Department, and is not to be applied to any other facts or disputes.

6. In consideration of the terms and conditions set forth herein, Mr. Ortiz agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Mr. Ortiz. Additionally, Mr. Ortiz specifically acknowledges that he has not been the subject of discrimination in any form, including, but not limited to, discrimination based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, or sex, and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known by him.

7. Mr. Ortiz further agrees to relinquish and expressly waives all rights conferred upon him by the provision of California Civil Code § 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

8. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Agreement, and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

9. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been executed.

10. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

11. The parties agree that the foregoing comprises the entire agreement between the parties and that there have been no other promises made by any party. Any modification of this agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

______________________________ ____________________
Mr. Marcus Ortiz, #[redacted] Date

As to form only:

______________________________ ____________________
Helen Schwab, Attorney Date
Green and Shinee APC

For the Department:

______________________________ 9/2/04
MARVIN C. CAVANAUGH, CHIEF Date
FIELD OPERATIONS REGION III

______________________________ 9/2/04
William Balderrama, Attorney Date
Law Offices of William Balderrama

MARCUS ORTIZ, [redacted]
SETTLEMENT AGREEMENT
PAGE THREE

9. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been executed.

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I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Mr. Marcus Ortiz [redacted] — Date: 09/01/04

As to form only:

Helen Schwab, Attorney
Green and Shinee APC — Date: 9/1/04

For the Department:

MARVIN O. CAVANAUGH, CHIEF
FIELD OPERATIONS REGION III — Date: ____

William Balderrama, Attorney
Law Offices of William Balderrama — Date: ____



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

July 1, 2003

Deputy Marcus Ortiz, #[redacted]

Deputy Ortiz:

On June 6, 2003, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2050685. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on June 30, 2003.

An investigation under File Number IAB 2050685, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.07, Immoral Conduct, on or about August 24, 2001, while on duty and in uniform, and accompanied by an applicant ride-along, you engaged in an act of sexual intercourse with Ms. [redacted] and facilitated an act of oral copulation between Mr. [redacted] and Ms. [redacted] By your actions, you have brought discredit upon yourself and the Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about May 17, 2002, you contacted a female employee of the Paradise Showgirls nightclub and met her in a parking lot behind the facility. You asked the female to make a flatulent sound with her vagina in the presence of your ride-along. You subsequently denied this allegation during your interview with IAB investigators and when allowed to review an audio tape made by the [redacted] during the criminal phase of this investigation, you then recalled the incident.

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   - May 17, 2002, and/or
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   - June 19, 2002, and/or
   - June 25, 2002, and/or
   - June 30, 2002, and/or
   - July 16, 2002, and/or
   - July 19, 2002, you did the following:

   Falsified your Deputy Daily Worksheets (DDWS), indicating you had handled calls for service and had initiated self-generated observation activity, when in fact you had not.

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6. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior and/or 3-01/050.15, Duties of Deputy Personnel, on or about August 24, 2001 and May 17, 2002, you failed to carry out your duties as a professional law enforcement officer for the Los Angeles County Sheriff's Department and acted in a manner which brought great discredit to both you and the Department. Your behavior in the presence of tw[redacted] was in conflict with the Department's Mission Statement, Core Values, and the sworn oath you took to the people of the County of Los Angeles.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

William T. Stonich

WILLIAM T. STONICH
UNDERSHERIFF